



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2016

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CORAM:

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

Cr1.O.P (MD) No.19296 of 2016

1.David Daniel
2.Therasammal
3.Dhanalakshmi

: Petitioners

Vs.

The State rep.by
The Inspector of Police,
City Crime Branch Police Station,
Trichy.
(Crime No.13 of 2015)

: Respondent

Prayer: Criminal Original Petition is filed under Section 439(1) (b) of the Criminal Procedure Code praying to modify the condition imposed by the learned Principal Sessions Court, Tiruchirappalli in Cr.M.P.No.3345 of 2015 in Cr.M.P.No.2712 of 2015 in Cr.M.P.No.2257 of 2015, dated 04.12.2015..

For Petitioners : Mr.s.Karthick Subramanian

For Respondent : Mr.A.P.Balasubramani,
Government Advocate (Cr1.side).

ORDER

This petition has been filed praying to modify the condition with regard to appearance before the respondent police, imposed on the petitioners in the order, dated 04.12.2015 passed in Cr.M.P.No.3345 of 2015 in Cr.M.P.No.2712 of 2015 in Cr.M.P.No.2257 of 2015 by the learned Principal Sessions Judge, Tiruchirappalli.

2.It is averred in the petition that the petitioners have been arrayed as accused in Crime No.13 of 2016 on the file of the respondent police for the offences punishable under Sections 417, 420 and 120(b) IPC. The petitioners have moved a petition before the learned Principal Sessions Judge, Tiruchirappalli in Cr.M.P.No.2257 of 2015 for anticipatory bail and the learned



Principal Sessions Judge, Tiruchirappalli, after hearing both sides, granted anticipatory bail to them with certain conditions vide order dated 01.09.2015 and one of the said conditions is that the petitioners shall report before the respondent police daily at 10.00 a.m. until further orders. Further, the petitioners filed a petition in Cr.M.P.No.2712 of 2015, where-under, the said condition is modified to the effect that the petitioners shall comply with the condition once in 15 days i.e., on the first and third Monday of every month at 10.00 a.m. until further orders, vide order dated 05.10.2015. Thereafter, the petitioners filed a petition in Cr.M.P.No.3345 of 2015, where-under, the said condition is modified to the effect that the petitioners shall comply with the condition once in a month on 1st Monday of every month at 10.00 a.m. till the filing of charge sheet, vide order, dated 04.12.2015. The petitioners are complying with the said condition regularly.

3.The learned counsel for the petitioners submitted that since the charge sheet has not filed before the Trial Court, the petitioners could not able to file a petition for relaxation before the learned Principal Sessions Judge, Tiruchirappalli. The first petitioner, who is aged about 62 years, is a heart patient and the second and third petitioners are women and therefore, they filed this petition praying to modify the said condition.

4.The learned Government Advocate (Crl.Side) submitted that the learned Principal Sessions Judge, Tiruchirappalli imposed a specific condition to report before the respondent police once in a month on 1st Monday of every month at 10.00 a.m. till the filing of charge sheet and the petitioners are complying with the condition regularly and the same does not require any interference.

5.The learned Principal Sessions Judge, Tiruchirappalli granted anticipatory bail to the petitioners and the condition to report before the respondent police initially modified to the effect that the petitioners shall report before respondent police once in 15 days i.e., on first and third Monday of every month at 10.00 a.m. until further orders and thereafter modified to the effect that the petitioners shall report before the respondent police once in a month on 1st Monday of every month at 10.00 a.m. till the filing of charge sheet, vide order dated 04.12.2015. But, for the past ten months, charge sheet has not been filed. Taking note the fact that the first petitioner is an aged person and also considering the fact that the petitioners 2 and 3 are women and they are complying with the condition regularly, the condition imposed on the petitioners with regard to appearance before the respondent police, by the learned Principal Sessions Judge, Tiruchirappalli, is modified to the effect that the petitioners shall report before the respondent police as and when required for interrogation and the other conditions remain



unchanged and this Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(AE)

/True copy/

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Sub Assistant Registrar

To

1.The Principal Sessions Judge,
Tiruchirappalli.

2.The Inspector of Police,
City Crime Branch Police Station,
Trichy.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to M/s.S.Karthick Subramanian, Advocate in SR.No. 62614

Smn

CSL/SS-2/17.11.2016: 3P/5C

ORDER MADE IN
Cr1.O.P(MD)No.19296 of 2016
21.10.2016